

AUG 20 2007

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

JOHN F. CORCORAN, CLERK
BY:  DEPUTY CLERK

IN RE: **ADOPTION OF ADDITIONAL STANDARD CONDITIONS OF
PROBATION AND SUPERVISED RELEASE IN CRIMINAL
CASES INVOLVING SEX OFFENSES**

STANDING ORDER NO. 07-1

Pursuant to 18 U.S.C. §§ 3563(b)(22) and 3583(d), it is hereby **ORDERED** that, except when specifically modified by the sentencing judge, the following sets or "tiers" of conditions are adopted forthwith as additional standard conditions of probation and supervised release for all defendants sentenced in this district for the sex offenses listed in the corresponding tables:

Tier I conditions:

1. The defendant must have no direct or indirect contact with the victim(s). The defendant must not associate with children under the age of eighteen (18) except in the presence of a responsible adult, who is aware of the nature of the defendant's background and current offense and who has been approved by the probation officer. Should the defendant have incidental contact with a child, the defendant must immediately withdraw from the situation and notify the probation officer within twenty-four (24) hours of this contact.
2. The defendant must participate in a mental health or sex offender treatment program as directed by the probation officer. The defendant must comply with all recommended treatment, which may include psychological or physiological testing, i.e., a polygraph, a plethysmograph, or an ABEL assessment. The defendant must maintain use of all prescribed medications.
3. The defendant must have all changes in residence and employment pre-approved by the probation officer five (5) days prior to any such change.
4. The defendant must not possess or use any form of pornography or erotica, nor enter any location where pornography or erotica can be accessed, obtained, or viewed, including electronically accessed materials.

5. The defendant must not possess any sexually oriented or stimulating material deemed inappropriate by the probation officer, or patronize any place where such material or entertainment is available.
6. The defendant must not reside in or visit any residence where minor children also reside without the approval of the probation officer.
7. The defendant must not view, purchase, or possess any images depicting minors, or actors representing themselves to be under the age of eighteen (18), engaged in sexual activity.
8. The defendant must not be employed in any position or participate as a volunteer in any activity that involves contact with children under the age of eighteen (18), except as approved by the probation officer.
9. The defendant must submit to a search of the defendant's person, property, house, residence, vehicle, papers, computer, and other electronic communication or data storage devices or media at any time, with or without a warrant, by any law enforcement or probation officer (in the lawful discharge of the probation officer's supervision functions) with reasonable suspicion concerning unlawful conduct or a violation of a condition of probation or supervised release. Failure to submit to such a search may be grounds for revocation. The defendant must warn any other residents or occupants that their premises or vehicles may be subject to search pursuant to this condition.
10. The defendant must submit to unannounced examination of the defendant's computer equipment by the probation officer, which may include retrieval and copying of all data from the computer to ensure compliance with this condition. In addition, the defendant must consent to the removal of such equipment for the purpose of conducting a more thorough investigation and must allow, at the discretion of the probation officer, installation on the defendant's computer any hardware or software system to monitor the defendant's computer use.
11. As required, the defendant must register with the state sex offender registration agency where the defendant will reside, work, carry on a vocation, or attend school. Following initial registration, the defendant must re-register as required by such state agency, and should the defendant move, the defendant must notify such state agency of the change in address.

Tier II conditions include all Tier I conditions, plus the following conditions:

12. The defendant must not loiter within 100 feet of any school property, playgrounds, arcades, childcare facilities, swimming pools, or other places primarily used by children under the age of eighteen (18).

13. The defendant must not rent a post office box or storage unit without prior approval of the probation officer.
14. The defendant must not form a romantic interest or sexual relationship with a person who has physical custody of any child under the age of eighteen (18).
15. The defendant must consent to third party disclosure to any employer or potential employer concerning any computer-related restrictions that are imposed upon the defendant.

Tier III conditions include all Tier I and Tier II conditions, plus the following conditions:

16. The defendant must not purchase, possess, use, or administer any alcohol, or frequent any businesses whose primary function is to serve alcoholic beverages.
17. The defendant must not use, possess, procure, or otherwise obtain any electronic device that can be linked to any computer networks, bulletin boards, Internet service providers, or exchange formats involving computers.
18. The defendant must remain at the defendant's place of residence from 7 p.m. until 7 a.m.
19. The defendant must provide the probation officer with any requested financial information in order to verify that no payments have been made to an Internet service provider or other entity that provides access to the Internet.

Tier I Sex Offenses:

Offense	Title 18 Section
Possession of Child Pornography	2252A(a)(5)
Possession of Depiction of a Minor Engaged in Sexually Explicit Conduct	2252(a)(4)
Using Misleading Domain Name on the Internet to Deceive Minors into Viewing Obscenity	2252B(a)
Using Misleading Domain Name on the Internet to Deceive Minors into Viewing Material Harmful to Minors	2252B(b)
Misleading Words or Digital Images on the Internet	2252C
Committing Certain Felony Sex Offenses Against a Minor While a Registered Sex Offender*	2260A

Abusive Sexual Contact with an Adult	2244(a)(1)-(2), 2244(b)
Failure to Register as a Sex Offender	2250(a)
Committing a Crime of Violence After Failing to Register as a Sex Offender	2250(c)
Attempts or conspiracies to commit any of the above offenses	

* If the underlying crime is a Tier I sex offense.

Tier II Sex Offenses:

All offenses listed in this table must involve a victim who is a minor - less than 18 years of age.

Offense	Title 18 Section
Possession, Production, or Distribution of Obscene Images Involving Minors for Sale or Distribution	1466A
Sex Trafficking of Children	1591
Abusive Sexual Contact of a Minor by Force (age 13 - 17)	2244(a)(1), 2244(a)(5)
Abusive Sexual Contact of a Minor by Threats or Drugging (age 13 - 17)	2244(a)(1)-(2), 2244(b)
Sexual Exploitation of a Child	2251
Selling or Buying Children	2251A
Manufacturing, Producing, Distributing, Copying, or Selling of Child Pornography or Materials Depicting a Minor Engaged in Sexually Explicit Conduct	2252(a)(1)-(3), 2252(b), 2252A(a)(1)-(4), 2252A(b)
Engaging in a Child Exploitation Enterprise	2252A(g)
Production of Sexually Explicit Depictions of Minors for Importation into the U.S.	2260
Committing Certain Felony Sex Offenses Against a Minor While Being a Registered Sex Offender*	2260A
Prostitution Offenses Involving a Minor	2421, 2422(b)
Transportation of a Minor to Engage in Criminal Sexual Activity	2423(a)

Travel with Intent to Engage in Criminal Sexual Activity with a Minor	2423(b)	
Engaging in Illicit Sexual Conduct in Foreign Places with a Minor	2423(c)	
Arranging, Inducing, Procuring, or Facilitating the Travel of a Minor to Engage in Illicit Sexual Conduct	2423(d)	
Use of Interstate Facilities to Transmit Information About a Minor to Solicit Sexual Activity	2425	
Fail to File Factual Statements About Alien Minors Kept for Prostitution	2424	
Attempts or conspiracies to commit any of the above offenses		

* If the underlying crime is a Tier II sex offense.

Tier III Sex Offenses:

Offense	Title 18 Section	
Aggravated Sexual Abuse (Minor or Adult)	2241(a) - (c)	
Sexual Abuse (Minor or Adult)	2242(1) - (2)	
Sexual Abuse of a Minor (Under the age of 13)	2243(a) - (b)	
Abusive Sexual Contact With a Minor (Under the age of 13)	2244(a) - (c)	
Kidnapping of a Minor	1201	
Sexual Abuse Resulting in Death	2245	
Committing Certain Felony Sex Offenses Against a Minor While a Registered Sex Offender*	2260A	
Juvenile Delinquency, Section 2241 Violation or Similar, Defendant at least 14 or older	2241 and 5032	
Attempts or conspiracies to commit any of the above offenses		

* If the underlying crime is a Tier III sex offense.

It is further **ORDERED** that, in those criminal cases encompassed by this Standing Order, the probation officer must disclose the applicable conditions in the presentence report prior to sentencing.

The Clerk is directed to enter this Standing Order in the order book for each division of this Court and to mail certified copies to the Judges and Magistrate Judges, the United States Attorney, the Federal Public Defender, and the Chief Probation Officer for this district.

ENTER: August 20, 2007

/s/ JAMES P. JONES
Chief United States District Judge